

APPLICABILITY (continued)

8. MDNR reserves the right to deny coverage under this general permit to applicants for storm water discharges from land disturbance activities at sites that have contaminated soils that will be disturbed by the land disturbance activity or where such materials are brought to the site to use as fill or borrow. Such activities are normally covered by a site specific permit.
9. If at any time the Missouri Department of Natural Resources determines that the quality of waters of the state may be better protected by requiring the owner/operator of the permitted site to apply for a site specific permit, the department may require any person to obtain a site specific operating permit [10 CSR 20-6.010 (13) and 10 CSR 20-6.200(5)].

The department may require the permittee to apply for and obtain a site specific or different general permit if:
 - a. The permittee is not in compliance with the conditions of this general permit;
 - b. The discharge no longer qualifies for this general permit due to changed site conditions and regulations; or
 - c. Information becomes available that indicates water quality standards have been or may be violated.
The permittee will be notified in writing of the need to apply for a site specific permit or a different general permit. When a site specific permit or different general permit is issued to the authorized permittee, the applicability of this general permit to the permittee is automatically terminated upon the effective date of the site specific or different general permit, whichever the case may be. The permittee shall submit the appropriate Forms to the department to terminate the permit that has been replaced.
10. Any owner/operator authorized by a general permit may request to be excluded from the coverage of the general permit and apply for a site specific permit [10 CSR 20-6.010 (13) and 10 CSR 20-6.200(5)].
11. This permit is not transferable to other owners or operators unless all of the conditions listed in the "Transfer of Ownership" section are met.

EXEMPTIONS FROM PERMIT REQUIREMENTS

1. Facilities that discharge all storm water runoff directly to a combined sewer system are exempt from storm water permit requirements.
2. Linear, strip or ribbon construction, or maintenance operations as identified in 10 CSR 20-6.200 (1)(B), where water quality standards are not exceeded.
3. Sites that disturb less than one acre of total land area that are not part of a common plan or sale and that do not cause any violations of water quality standards and are not otherwise designated by the department as requiring a permit.
4. Agricultural storm water discharges and irrigation return flows. For purposes of this permit, land disturbance activities from Animal Feeding Operations (AFO) are not considered an agricultural activity and therefore not included in this exemption.

REQUIREMENTS AND GUIDELINES

Note: These requirements do not supersede nor remove liability for compliance with county and other local ordinances.

1. The discharge of storm water from these facilities shall not cause a violation of the state water quality standards, 10 CSR 20-7.031, which states, in part, that no water contaminant, by itself or in combination with other substances, shall prevent the waters of the state from meeting the following conditions:
 - a. Waters shall be free from substances in sufficient amounts to cause the formation of putrescent, unsightly or harmful bottom deposits or prevent full maintenance of beneficial uses;
 - b. Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses;
 - c. Waters shall be free from substances in sufficient amounts to cause unsightly color or turbidity, offensive odor or prevent full maintenance of beneficial uses;
 - d. Waters shall be free from substances or conditions in sufficient amounts to have a harmful effect on human, animal or aquatic life.
 - e. There shall be no significant human health hazard from incidental contact with the water;
 - f. There shall be no acute toxicity to livestock or wildlife watering;
 - g. Waters shall be free from physical, chemical or hydrologic changes that would impair the natural biological community;
 - h. Waters shall be free from used tires, car bodies, appliances, demolition debris, used vehicles, or equipment and solid waste as defined in Missouri's Solid Waste Law, Section 260.200, RSMo, except as the use of such materials is specifically permitted pursuant to Section 260.200-260.247.
2. Good housekeeping practices shall be maintained on the site to keep solid waste from entry into waters of the state.
3. All fueling facilities present on the site shall adhere to applicable federal and state regulations concerning underground storage, above ground storage, and dispensers, including spill prevention, control and counter measures.
4. Substances regulated by federal law under the Resource Conservation and Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) that are transported, stored, or used for maintenance, cleaning or repair shall be managed according to the provisions of RCRA and CERCLA.
5. An individual shall be designated by the permittee as responsible for environmental matters. Staff of the permitted facility shall inspect any structures that function to prevent pollution of storm water or to remove pollutants from storm water and of the facility in general to ensure that any Best Management Practices are continually implemented and effective.
6. All paint, solvents, petroleum products and petroleum waste products (except fuels), and storage containers (such as drums, cans, or cartons) shall be stored so that these materials are not exposed to storm water. Sufficient practices of spill prevention, control, and/or management shall be provided to prevent any spills of these pollutants from entering a water of the state. Any containment system used to implement this requirement shall be constructed of materials compatible with the substances contained and shall also prevent the contamination of groundwater.

REQUIREMENTS AND GUIDELINES (continued)

7. The primary requirement of this permit is the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that
- Incorporates required practices identified below,
 - Incorporates erosion control practices specific to site conditions, and
 - Provides for maintenance and adherence to the plan.

For new applicants, before removing any site vegetation, disturbing earth, or submitting an application, the permittee shall develop a SWPPP that is specific to the land disturbance activities at the site. This plan must be developed before a permit can be issued and made available as specified under RECORDS. However, the plan should not be submitted to the department unless specifically requested.

The permittee shall fully implement the provisions of the SWPPP required under this part as a condition of this general permit throughout the term of the land disturbance project.

The purpose of the SWPPP is to ensure the design, implementation, management, and maintenance of Best Management Practices (BMPs) in order to reduce the amount of sediment and other pollutants in storm water discharges associated with the land disturbance activities; comply with the Missouri Water Quality Standards; and ensure compliance with the terms and conditions of this general permit.

The permittee shall select, install, use, operate, and maintain the BMPs in accordance with the concepts and methods described in the following documents:

- Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices**, (Document number EPA 832-R-92-005) published by the United States Environmental Protection Agency (USEPA) in 1992. This manual is available at The USEPA internet site: http://cfpub1.epa.gov/npdes/pubs.cfm?program_id=0 (searching under Publications/Policy and Guidance Documents).
- Protecting Water Quality: A field guide to erosion, sediment and storm water best management practices for development sites in Missouri**, published by the Missouri Department of Natural Resources in November 1995.

The permittee is not limited to the use of these guidance manuals. Other commonly accepted publications may be used for guidance and must be referenced in the SWPPP if used. In addition, the permittee is not limited to the use of BMP identified in these manuals. However, any alternative BMPs should be justified by site conditions and described in the SWPPP.

8. SWPPP Requirements: The following information and practices shall be provided for in the SWPPP.
- Site Description.** In order to identify the site, the SWPPP shall include the facility and outfall information provided in the Application Form. The SWPPP shall have sufficient information to be of practical use to contractors and site construction workers to guide the installation and maintenance of BMPs.
 - Drainage areas:** The following guidelines are for protection of drainage areas and shall be addressed in the SWPPP.
 - Clearing and grubbing within 50 feet of a defined drainage course should be avoided.
 - Where changes to defined drainage courses occur as part of the project, clearing and grubbing within 50 feet of the defined drainage course should be delayed until all materials and equipment necessary to protect and complete the drainage change are on site.
 - Changes to defined drainage courses shall be completed as quickly as possible once the work has been initiated. The area impacted by the land disturbance of the drainage course change is to be revegetated or protected from erosion as soon as possible. Areas within 50 feet of defined drainage ways should be recontoured as needed and revegetated, seeded, or otherwise protected within five (5) working days after grading has ceased.

REQUIREMENTS AND GUIDELINES (continued)

8. SWPPP Requirements (continued)

b. Drainage areas (continued)

- iv. Work in defined drainages or water courses may require a permit from the U.S. Army Corps of Engineers pursuant to Section 404 of the federal Clean Water Act.

c. Description of Best Management Practices: The SWPPP shall include a description of the BMPs that will be used at the site. The SWPPP shall provide the following general information for each BMP which will be used one or more times at the site:

- i. Physical description of the BMP,
- ii. Site and physical conditions that must be met for effective use of the BMP,
- iii. BMP installation/construction procedures, including typical drawings, and
- iv. Operation and maintenance procedures for the BMP.

The SWPPP shall provide the following information for each specific instance where a BMP is to be installed:

- i. Whether the BMP is temporary or permanent,
- ii. Where, in relation to other site features, the BMP is to be located,
- iii. When the BMP will be installed in relation to each phase of the land disturbance procedures to complete the project, and
- iv. What site conditions must be met before removal of the BMP if the BMP is not a permanent BMP.

d. Disturbed Areas: Slopes for disturbed areas must be defined in the SWPPP. Where soil disturbing activities cease in an area for more than 14 days, the disturbed areas shall be protected from erosion by stabilizing the area with mulch or other similarly effective erosion control BMPs. If the slope of the area is greater than 3:1 or if the slope is greater than 3% and greater than 150 feet in length, then the disturbed areas shall be protected from erosion by stabilizing the area with mulch or other similarly effective erosion control BMPs if activities cease for more than seven days. These requirements do not apply to the slopes of a sedimentation basin or the areas that clearly drain thereto.

e. Installation: The permittee shall ensure the BMPs are properly installed at the locations and relative times specified in the SWPPP. Peripheral or border BMPs to control runoff from disturbed areas shall be installed or marked for preservation before general site clearing is started. Storm water discharges from disturbed areas, which leave the site, shall pass through an appropriate impediment to sediment movement, such as a sedimentation basin, sediment traps, silt fences, etc. prior to leaving the land disturbance site. Bench marks shall be referenced for proper installation and operation and maintenance of drainage course changes.

f. Temporary and Permanent Non-Structural BMPs: The SWPPP shall require existing vegetation to be preserved where practical. The time period for disturbed areas to be without vegetative cover is to be minimized to the extent practical.

Examples of non-structural BMPs which the permittee should consider specifying in the SWPPP include: preservation of trees and mature vegetation, protection of existing vegetation for use as buffer strips (especially along drainage courses), mulching, sodding, temporary seeding, final seeding, geotextiles, stabilization of disturbed areas, preserving existing stream channels as overflow areas when channel straightening or shortening is allowed, soil stabilizing emulsions and tackifiers, mulch tackifiers, stabilized site entrances/exits, and other appropriate BMPs.

REQUIREMENTS AND GUIDELINES (continued)

8. SWPPP Requirements (continued)

- g. Temporary and Permanent Structural BMPs: Examples of structural BMPs that the permittee should consider specifying in the SWPPP include: diverting flows from undisturbed areas away from disturbed areas, silt (filter fabric or straw bale) fences, earthen diversion dikes, drainage swales, sediment traps, rock check dams, subsurface drains (to gather or transport water for surface discharge elsewhere), pipe slope drains (to carry concentrated flow down a slope face), level spreaders (to distribute concentrated flow into sheet flow), storm drain inlet protection and outlet protection, reinforced soil retaining systems, gabions, temporary or permanent sediment basins, and other appropriate BMPs.
- h. Sedimentation Basins: The SWPPP shall require a sedimentation basin for each drainage area with 10 or more acres disturbed at one time. The sediment basin shall be sized to contain 0.5 inch of sediment from the drainage area and to be able to contain a 2-year, 24-hour storm. The sediment shall be cleaned out of the basin and otherwise maintained as needed until the drainage area is stabilized. This requirement does not apply to flows from areas where such flows are properly diverted around both the disturbed areas and the sediment basin. Discharges from the basin shall not cause scouring of the banks or bottom of the receiving stream.

Where use of a sediment basin of this size is impractical, the SWPPP shall evaluate and specify other similarly effective BMPs to be employed to control erosion and sediment delivery. The SWPPP shall require the basin be maintained until final stabilization of the area served by the basin.

The SWPPP shall require both temporary and permanent sedimentation basins to have a stabilized spillway to minimize the potential for erosion of the spillway or basin embankment.

- i. Additional Site Management BMPs: The SWPPP shall address other BMPs, as required by site activities, to prevent contamination of storm water runoff. Such BMPs include:
- i. Solid and hazardous waste management including: providing trash containers and regular site clean up for proper disposal of solid waste such as scrap building material, product/material shipping waste, food containers, and cups; and providing containers and proper disposal of waste paints, solvents, and cleaning compounds, etc.;
 - ii. Provision of portable toilets for proper disposal of sanitary sewage;
 - iii. Storage of construction materials away from drainage courses and low areas; and
 - iv. Installation of containment berms and use of drip pans at petroleum product and liquid storage tanks and containers.
- j. Permanent Storm Water Management: The SWPPP shall include a description of the measures that will be installed during land disturbance to control pollutants in storm water discharges that will occur after land disturbance activity has been completed. These could include drainage channels or systems; outlet control devices, detention basins, oil water separators, catch basins, etc. This general permit does not require the permittee or the permittee's contractors to operate or maintain these measures beyond the date of MDNR's Letter of Termination.
9. Amending/Updating the SWPPP: The permittee shall amend and update the SWPPP as appropriate during the term of the land disturbance activity. The permittee shall amend the SWPPP, at a minimum, whenever the:
- a. Design, operation, or maintenance of BMPs is changed;
 - b. Design of the construction project is changed that could significantly affect the quality of the storm water discharges;
 - c. Permittee's inspections indicate deficiencies in the SWPPP or any BMP;
 - d. MDNR notifies the permittee of deficiencies in the SWPPP;
 - e. SWPPP is determined to be ineffective in significantly minimizing or controlling erosion and sedimentation (e.g., there is visual evidence, such as excessive site erosion or excessive sediment deposits in streams or lakes);
 - f. Total Settleable Solids from a storm water outfall exceed 2.5 ml/L/hr.; or
 - g. MDNR determines violations of Water Quality Standards may occur or have occurred.

REQUIREMENTS AND GUIDELINES (continued)

10. **Site Inspections Reports:** The permittee shall ensure the land disturbance site is inspected on a regular schedule and within a reasonable time period (not to exceed 72 hours) following heavy rains. Regularly scheduled inspections shall be at a minimum once per week. For disturbed areas that have not been finally stabilized, all installed BMPs and other pollution control measures shall be inspected for proper installation, operation and maintenance. Locations where storm water leaves the site shall be inspected for evidence of erosion or sediment deposition. Any deficiencies shall be noted in a weekly report of the inspection(s) and corrected within seven calendar days of the inspection report. The permittee shall promptly notify the site contractors responsible for operation and maintenance of BMPs of deficiencies.

A log of each inspection shall be kept. The inspection report is to include the following minimum information: inspector's name, date of inspection, observations relative to the effectiveness of the BMPs, actions taken or necessary to correct deficiencies, and listing of areas where land disturbance operations have permanently or temporarily stopped. The inspection report shall be signed by the permittee or by the person performing the inspection if duly authorized to do so.

11. **Proper Operation and Maintenance:** The permittee shall at all times maintain all pollution control measures and systems in good order to achieve compliance with the terms of this general permit.

The need to halt or reduce the permitted activity in order to maintain compliance with general permit conditions shall not be a defense to the permittee in an enforcement action.

12. **Notification to All Contractors:** The permittee shall notify each contractor or entity (including utility crews and city employees or their agents) who will perform work at the site of the existence of the SWPPP and what action or precautions shall be taken while on site to minimize the potential for erosion and the potential for damaging any BMP. If additional land is disturbed or any BMP damaged, then the permittee shall cause to have the disturbance or damage repaired.

OTHER DISCHARGES

1. **Hazardous Substance and Oil Spill Reporting:** Refer to Section B, #14 of Part I of the Standard Conditions that accompany this permit.
2. **Removed substances:** Refer to Section B, #6 of Part I of the Standard Conditions that accompany this permit.
3. **Change in discharge:** In the event soil contamination or hazardous substances are discovered at the site during land disturbance activities, the permittee shall notify MDNR in writing.

SAMPLING REQUIREMENTS AND EFFLUENT LIMITATIONS

1. Discharges shall not violate General Water Quality Standards 10 CSR 20-7.031(3). Settleable Solids shall not exceed a maximum of 2.5 ml/L/hr. for each storm water outfall.
2. There are no regular sampling requirements in this permit. However, the department may require sampling and reporting as a result of illegal discharges, compliance issues, complaint investigations, or other such evidence of off-site contamination from activities at the site. If such an action is needed, the department will specify in writing any additional sampling requirements, including such information as location, extent, and parameters.

RECORDS

1. The permittee shall retain copies of this general permit, the SWPPP and all amendments for the site named in the State Operating Permit, results of any monitoring and analysis, and all site inspection records required by this general permit. The permittee shall retain these records at a site which is readily available from the permitted site until final stabilization of a site is achieved. The local office of the permittee, their contractor or consultant is considered to be readily available from the project site if it is located in the same county as the project site. The records shall be accessible during normal business hours. After final stabilization the records may be maintained at the location of the permittee's main office. The records shall be retained for a period of at least three years from the date of the Letter of Termination.
2. The permittee shall provide a copy of the SWPPP to MDNR, USEPA, or any local agency or government representative if they request a copy in the performance of their official duties.
3. The permittee shall provide those who are responsible for installation, operation, or maintenance of any BMP a copy of the SWPPP.
4. The permittee, their representative, and/or the contractor(s) responsible for installation, operation, and maintenance of the BMPs shall have a current copy of the SWPPP with them when on the project site.

TRANSFER OF OWNERSHIP

1. Individual Lot or Lots: Federal and Missouri storm water regulations (10 CSR 20-6.200) require a storm water permit and erosion control for one acre or more disturbed as part of a common plan or sale. When individual lots (commercial, industrial, or residential) are sold to an entity for construction (unless sold to an individual for purposes of building their own private residence) are also subject to storm water regulations because they are part of the common sale.

The existing permittee who intends to transfer ownership of a lot or parcel of the overall permitted area is still responsible for the terms of this permit and erosion control on that site unless the new owner applies for and receives a separate Missouri State Operating Permit for storm water discharges from land disturbance activities. If the current permittee is to retain the permit and responsibility for control of sediment and other pollutants at the site, then the owner should obtain a copy of an Individual Lot Certification (ILC) from the lot owner(s). The ILC should be properly completed and signed and retained with the SWPPP.

2. Entire Tract: If the entire tract is sold to a single entity, then this permit shall be terminated and the new owner shall submit an application for a new permit immediately.

TERMINATION

This permit may be terminated when the project is stabilized. The project is considered to be stabilized when either perennial vegetation, pavement, buildings, or structures using permanent materials cover all areas that have been disturbed. With respect to areas that have been vegetated, vegetative cover shall be at least 70% of fully established plant density over 100% of the disturbed area.

In order to terminate the permit, the permittee shall notify MDNR by submitting Form H, included with the State Operating Permit. The permittee shall complete Form H and mail it to MDNR at the address noted in the cover letter of this permit.

This general permit will expire five years from the effective date of the permit (see page 1). The issue date is the date the State Operating Permit is issued to the applicant. The expiration date may or may not coincide with the date the authorized project or development is scheduled for completion.

TERMINATION (continued)

If the project or development completion date will be after the expiration date of this general permit, then the permittee must reapply to the department for the permit to be re-issued. The permittee will receive notification of the expiration date of the permit before the expiration date listed on page 1 of this permit. In order for the permit to be re-issued, the permittee should submit the appropriate application form(s) at least 180 days before the expiration of the permit if land disturbance activity is expected to continue past the expiration date of this general permit.

If the permittee does not apply for the renewal of this permit, this permit will automatically terminate on the expiration date. Continued discharges from a site that has not been fully stabilized are prohibited beyond the expiration date; unless the permit is reissued or the permittee has filed a timely application for the reissuance of this permit.

DUTY TO COMPLY

The permittee shall comply with all conditions of this general permit. Any noncompliance with this general permit constitutes a violation of Chapter 644, Missouri Clean Water Law, and 10 CSR 20-6.200. Noncompliance may result in enforcement action, termination of this authorization, or denial of the permittee's request for renewal.

MAILING ADDRESS

The permittee shall send all written correspondence and forms, which are to be submitted to MDNR to the address listed in the cover letter that accompanies this permit.

STANDARD CONDITIONS FOR NPDES PERMITS
ISSUED BY
THE MISSOURI DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION
Revised
October 1, 1980

PART I - GENERAL CONDITIONS
SECTION A - MONITORING AND REPORTING

1. **Representative Sampling**
 - a. Samples and measurements taken as required herein shall be representative of the nature and volume, respectively, of the monitored discharge. All samples shall be taken at the outfall(s), and unless specified, before the effluent joins or is diluted by any other body of water or substance.
 - b. Monitoring results shall be recorded and reported on forms provided by the Department, postmarked no later than the 28th day of the month following the completed reporting period. Signed copies of these, and all other reports required herein, shall be submitted to the respective Department Regional Office, the Regional Office address is indicated in the cover letter transmitting the permit.
2. **Schedule of Compliance**

No later than fourteen (14) calendar days following each date identified in the "Schedule of Compliance", the permittee shall submit to the respective Department Regional Office as required therein, either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements, or if there are no more scheduled requirements, when such noncompliance will be corrected. The Regional Office address is indicated in the cover letter transmitting the permit.
3. **Definitions**

Definitions as set forth in the Missouri Clean Water Law and Missouri Clean Water Commission Definition Regulation 10 CSR 20-2.010 shall apply to terms used herein.
4. **Test Procedures**

Test procedures for the analysis of pollutant shall be in accordance with the Missouri Clean Water Commission Effluent Regulation 10 CSR 20-7015.
5. **Recording of Results**
 - a. For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:
 - (i) the date, exact place, and time of sampling or measurements;
 - (ii) the individual(s) who performed the sampling or measurements;
 - (iii) the date(s) analyses were performed;
 - (iv) the individual(s) who performed the analyses;
 - (v) the analytical techniques or methods used; and
 - (vi) the results of such analyses.
 - b. The Federal Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six (6) months per violation, or both.
 - c. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
6. **Additional Monitoring by Permittee**

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Monitoring Report Form. Such increased frequency shall also be indicated.

7. **Records Retention**

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recording for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

SECTION B - MANAGEMENT REQUIREMENTS

1. **Change in Discharge**
 - a. All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant not authorized by this permit or any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.
 - b. Any facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants shall be reported by submission of a new NPDES application at least sixty (60) days before each such changes, or, if they will not violate the effluent limitations specified in the permit, by notice to the Department at least thirty (30) days before such changes.
2. **Noncompliance Notification**
 - a. If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit, the permittee shall provide the Department with the following information, in writing within five (5) days of becoming aware of such conditions:
 - (i) a description of the discharge and cause of noncompliance, and
 - (ii) the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.
 - b. Twenty-four hour reporting. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally with 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided with five (5) days of the time the permittee becomes aware of the circumstances. The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
3. **Facilities Operation**

Permittees shall operate and maintain facilities to comply with the Missouri Clean Water Law and applicable permit conditions. Operators or supervisors of operations at publicly owned or publicly regulated wastewater treatment facilities shall be certified in accordance with 10 CSR 209.020(2) and any other applicable law or regulation. Operators of other wastewater treatment facilities, water contaminant source or point sources, shall, upon request by the Department, demonstrate that wastewater treatment equipment and facilities are effectively operated and maintained by competent personnel.
4. **Adverse Impact**

The permittee shall take all necessary steps to minimize any adverse impact to waters of the state resulting from noncompliance with any effluent limitations specified in this permit or set forth in the Missouri Clean Water Law and Regulations (hereinafter the Law and Regulations), including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. Bypassing

- a. Any bypass or shut down of a wastewater treatment facility and tributary sewer system or any part of such a facility and sewer system that results in a violation of permit limits or conditions is prohibited except:
 - (i) where unavoidable to prevent loss of life, personal injury, or severe property damages; and
 - (ii) where unavoidable excessive storm drainage or runoff would catastrophically damage any facilities or processes necessary for compliance with the effluent limitations and conditions of this permit;
 - (iii) where maintenance is necessary to ensure efficient operation and alternative measures have been taken to maintain effluent quality during the period of maintenance.
- b. The permittee shall notify the Department in writing of all bypasses or shut down that result in a violation of permit limits or conditions. This section does not excuse any person from liability, unless such relief is otherwise provided by the statute.

6. Removed Substances

Solids, sludges, filter backwash, or any other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutants from entering waters of the state unless permitted by the Law, and a permanent record of the date and time, volume and methods of removal and disposal of such substances shall be maintained by the permittee.

7. Power Failures

In order to maintain compliance with the effluent limitations and other provisions of this permit, the permittee shall either:

- a. in accordance with the "Schedule of Compliance", provide an alternative power source sufficient to operate the wastewater control facilities; or,
- b. if such alternative power source is not in existence, and no date for its implementation appears in the Compliance Schedule, halt or otherwise control production and all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

8. Right of Entry

For the purpose of inspecting, monitoring, or sampling the point source, water contaminant source, or wastewater treatment facility for compliance with the Clean Water Law and these regulations, authorized representatives of the Department, shall be allowed by the permittee, upon presentation of credentials and at reasonable times;

- a. to enter upon permittee's premises in which a point source, water contaminant source, or wastewater treatment facility is located or in which any records are required to be kept under terms and conditions of the permit;
- b. to have access to, or copy, any records required to be kept under terms and conditions of the permit;
- c. to inspect any monitoring equipment or method required in the permit;
- d. to inspect any collection, treatment, or discharge facility covered under the permit; and
- e. to sample any wastewater at any point in the collection system or treatment process.

9. Permits Transferable

- a. Subject to Section (3) of 10 CSR 20-6.010 an operating permit may be transferred upon submission to the Department of an application to transfer signed by a new owner. Until such time as the permit is officially transferred, the original permittee remains responsible for complying with the terms and conditions of the existing permit.
- b. The Department, within thirty (30) days of receipt of the application shall notify the new permittee of its intent to revoke and reissue or transfer the permit.

10. Availability of Reports

Except for data determined to be confidential under Section 308 of the Act, and the Law and Missouri Clean Water Commission Regulation for Public Participation, Hearings and Notice to Governmental Agencies 10 CSR 20-6.020, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by statute, effluent data shall not be considered confidential. Knowingly making any false statement on any such report shall be subject to the imposition of criminal penalties as provided in Section 204.076 of the Law.

11. Permit Modification

- a. Subject to compliance with statutory requirements of the Law and Regulations and applicable Court Order, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
 - (i) violation of any terms or conditions of this permit or the Law;
 - (ii) having obtained this permit by misrepresentation or failure to disclose fully any relevant facts;
 - (iii) a change in any circumstances or conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge, or
 - (iv) any reason set forth in the Law and Regulations.
- b. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

12. Permit Modification - Less Stringent Requirements

If any permit provisions are based on legal requirements which are lessened or removed, and should no other basis exist for such permit provisions, the permit shall be modified after notice and opportunity for a hearing.

13. Civil and Criminal Liability

Except as authorized by statute and provided in permit conditions on "Bypassing" (Standard Condition B-5) and "Power Failures" (Standard Condition B-7) nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

14. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act, and the Law and Regulations. Oil and hazardous materials discharges must be reported in compliance with the requirements of the Federal Clean Water Act.

15. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state statute or regulations.

16. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of or violation of federal, state or local laws or regulations.

17. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit 180 days prior to expiration of this permit.

18. Toxic Pollutants

If a toxic effluent standard, prohibition, or schedule of compliance is established, under Section 307(a) of the Federal Clean Water Act for a toxic pollutant in the discharge of permittee's facility and such standard is more stringent than the limitations in the permit, then the more stringent standard, prohibition, or schedule shall be incorporated into the permit as one of its conditions, upon notice to the permittee.

19. Signatory Requirement

All reports, or information submitted to the Director shall be signed (see 40 CFR-122.6).

20. Rights Not Affected

Nothing in this permit shall affect the permittee's right to appeal or seek a variance from applicable laws or regulations as allowed by law.

21. Severability

The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.